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EXAMINER ELLIOTT IV, BENJAMIN H				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 12/14/2009 have been fully considered but they are not persuasive.

Regarding Claims 13-24, wherein Applicant argues the rejection of Claim 13 (and independent claims 21, 23, and 24 containing substantially the same limitations) based on 35 U.S.C. § 102 (e) to United States Patent Application Publication 2004/0184471 to Chuah et al (hereinafter "Chuah"), Examiner respectfully disagrees with the Applicant.

**Applicant argues** Chuah fails to disclose "an explicit request for signaling of information with respect to reception of the at least one data block is transmitted by the base station to a selected group from the receiving subscriber terminals" (Page 5, Remarks). Examiner cites paragraphs [0037] and [0038] of Chuah to reject this broad limitation. In [0037], Chuah states:

FIG. 6(a) is a flow diagram describing a transmission offset technique from the viewpoint of a sender of a multicast message in accordance with an exemplary embodiment of the invention. Initially, a sender (transmitter), such as a base station transceiver, for example, may encode (S602) a multicast message into M data blocks. The first block may be independently decodable, and subsequent blocks may be a repetition of the first block, e.g., incremental redundancy data blocks. The transmitter may then transmit (S604) the starting block of the multicast message over a downlink channel to all groups of users, e.g., each i-th group.

Applicant argues, specifically, that Chuah fails to disclose transmitting to a specific group (Page 6, Remarks). It is apparent to one having ordinary skill in the art that Chuah is in fact sending a message to specific group of users in a **multicast message**. A multicast message is different from a broadcast message in that a multicast message

is transmitted to a select group of users, as it is defined. Applicant's interpretation that the multicast message is sent to all groups of users is in error. Chuah defines that "a user may also be referred to as a receiver of a multicast message" (Chuah: [0022]), and thus, a group of users is a select group of users to receive the message, which is a multicast message. For clarification, Examiner points to [0029] of Chuah defining the multicast mode of operation:

FIG. 3 shows a general high level overview of a multicast mode network. As briefly discussed above, the multicast mode may allow unidirectional point-to-multipoint transmission of multimedia data (e.g. text, audio, picture, video, etc.) from a single source point to a multicast group in a multicast area. The multicast mode is intended to efficiently use radio/network resources e.g. data is transmitted over a common radio channel. Data may be transmitted to multicast areas as defined by the network (e.g., home environment). In the multicast mode, the network may selectively transmit to cells within the multicast area which contain members of a multicast group. A multicast service received by the UE may involve one or more successive multicast sessions. For example, a multicast service might consist of a single on-going session (e.g. a multimedia stream) or may involve several intermittent multicast sessions over an extended period of time (e.g. messages).

In [0029], Chuah defines the mode of operation for multicast operations to selectively transmit to cells within the multicast area which contain members of a multicast group. The "all group of users" are groups that are selected to receive the multicast message. Examiner has interpreted the Chuah reference to have sent a multicast message to a select group of users.

Applicant argues Chuah fails to disclose the base station transmitting an explicit request for signaling of information. Examiner respectfully disagrees. The multicast message of Chuah is a "request" sent to a select group of users to determine the

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reception of a multicast message transmission as disclosed by Chuah in [0013], for purposes of clarification:

***Signaling messages to the multicast message may be transmitted in response to a fixed number of multicast message transmissions***, and receivers that have still not received the multicast message after the fixed number of transmissions may request further retransmissions of the received multicast message up to an additional given number of times.

Chuah defines the responses to be either an ACK or a NACK (Chuah: [0038] and [0049]).

Thus, in this case, Chuah clearly discloses such broad limitations as set forth above with regards to Claims 13, 21, 23, and 24.

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